

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

DONNA CURLING, ET AL. }
Plaintiffs, }
v. }
BRIAN KEMP, ET AL. }
Defendants. }

Civil Action
No. 1:17-cv-02989-AT

**CLOSING STATEMENT OF PLAINTIFFS
COALITION FOR GOOD GOVERNANCE, LAURA DIGGES, WILLIAM
DIGGES III, RICARDO DAVIS, AND MEGAN MISSETT**

Defendants concede two critical matters that compel a decision for Plaintiffs.

First, State Election Director Chis Harvey admitted that, if Georgia’s DREs are ever not trustworthy to accurately produce election results, then a change to paper ballots would be in the public interest. Since Defendants mount no affirmative defense of DREs’ security and admit to doing nothing to scrub and decontaminate DREs, memory cards, electronic pollbooks, optical scanners, and county tabulation (GEMS) servers following the extended, August 2016–March 2017 security breach at KSU’s Center for Election Systems, it is plain that Georgia’s system *cannot* be trusted. Harvey’s concession is thus dispositive as to the public interest.

Second, Harvey conceded that, if ordered, the State and counties *could* and *would* scan all of the expected 3+ million paper ballots that Georgians would cast in the November election—but it would be “hard.” Fulton Election Director Richard Barron conceded the same when he said a switch to paper would be “a headache” and he would *decide* to cut Fulton County’s early voting to just 3 centers. The threat to punish voters need not be tolerated; it may be prohibited. What matters is these admissions that the relief of paper ballots is practicable.

Burdens on the fundamental right to vote “cannot begin to be equated” to mere administrative inconveniences. *Colón-Marrero v. Conty-Pérez*, 703 F.3d 134, 145 (1st Cir. 2012). Defendants’ self-serving “guesstimations” that voters will be burdened by a shift to paper ballots are contradicted by declarations from those who have actually seen it happen. The motions should be granted.

Respectfully submitted this 13th day of September, 2018.

/s/ Bruce P. Brown

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CERTIFICATE OF COMPLIANCE WITH LR 5.1C, NDGa

I hereby certify pursuant to LR 7.1D, NDGa that the foregoing document has been prepared with one of the font and point selections approved by this Court in LR 5.1C, NDGa, using a 14-point Times New Roman font.

/s/ Bruce P. Brown
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*Attorney for Plaintiff Coalition for Good
Governance*

CERTIFICATE OF SERVICE

I hereby certify that on September 13, 2018, I electronically filed the foregoing CLOSING STATEMENT OF COALITION PLAINTIFFS with the Clerk of Court using the CM/ECF system, which will automatically send email notification of such filing to all attorneys of record, according to the Court's Electronic Mail Notice List.

/s/ Bruce P. Brown
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